

## **REMARKS**

This Supplemental Response is a full and timely response to the Office Action dated April 7, 2005 and is merely to correct the Application Number in the captioning. Reexamination and reconsideration are respectfully requested. The courtesy of the examiner in telephoning to point out this error is appreciated.

This Supplemental Response incorporates all of the prior response. Since the Official Action was dated April 7, 2005, and the Amendment to the Official Action was filed on October 7, 2005 together with a Petition to Within a Third Month Extension to Time this Supplemental Response is timely and no extension fee is believed required.

### **Specification**

The specification has been reviewed and minor changes made responding to the suggestion of the examiner at the top of page 2 of the Action. Withdrawal of the objection is thus believed to be in order.

### **Priority Claim**

The Action acknowledges the submission of the certified copy of the priority document.

### **Drawings**

It is also noted with appreciation that the drawings filed on January 13, 2004 were accepted by the Examiner.

### Information Disclosure Statement

It is noted with appreciation that the IDS filed on January 13, 2004 was fully considered by the Examiner.

### Claims

Claims 1 to 12 were pending in this application for the initial examination. Claims 1 to 5, 8 and 9 were rejected as anticipated by the patent to Knopp, No. 6,099,522 (hereafter "Knopp '522"). The remaining claims 6, 7, and 10 to 12 were rejected as obvious in a section 103 sense over Knopp '522 in view of the patent to Knopp, No. 5,865,832 (hereafter "Knopp '832"). No claims were allowed.

As an overview, independent claims 1 and 9 are amended as noted, claims 2 to 5 amended to conform to amended claim 1, with claims 6 and 7 canceled without disclaimer or prejudice. Claim 9 is amended to conform to amended claim 8, claims 10 to 12 cancelled without disclaimer or prejudice, and new claims 13 to 16, each dependent on claim 8, are added. Similarly, new claims 17 and 18, each dependent on claim 1, are added.

Knopp et al. (US 6,099,522) disclose an apparatus for template-controlled, precision laser interventions, having X-Y tracking means and depth or Z tracking means. However, Knopp '522 does not teach or suggest a duction detection unit (duction detection means) and a movement control unit (correcting means) of the present invention, as now claimed.

More specifically, claim 1, for example, is amended to recite a combination of an irradiation optical system having an irradiation reference axis for irradiating a laser beam which brings about ablation of a cornea of a patient's eye onto the cornea; a moving unit which relatively moves the irradiation reference axis in two-dimensional directions orthogonal with respect to the patient's eye; an alignment detection unit which detects positional displacement in the two-dimensional directions of the irradiation reference axis, as stated; a movement control unit as stated, and a duction detection unit which detects at least one of a characteristic point in the anterior-segment and a target provided to the anterior-segment by picking up an image of the anterior-segment and processing an image signal thereof, and based on a detection result thereof, detects inclination of a line of sight of the patient's eye with respect to the irradiation reference axis, wherein the movement control unit corrects the obtained control data based on a detection result of the duction detection unit. Independent claim 8 is similarly amended in its stated combination.

Each of claims 1 and 8 distinguishes over Knopp '522 at the very least for its recitation of a duction detection means which, with the recited function, is not taught or suggested by Knopp '522.

Claims 2, 3, 5, 17 and 18 each depend from or through claim 1 and are thus patentable for at least the same reasons that claim 1 is patentable, and for their individual recitations that are submitted to be patentable in this combination in their own right. Similarly, claims 9 and 13 to 16 each depend from or through claim 8 and are thus patentable for at least the same reasons that claim 8 is patentable, and for their individual recitations that are submitted to be patentable in this combination in their own right.

In addition, the rejection of claims 6, 7, and 10 to 12, to the extent that it is arguable that the rejection still applies to claims 1 and/or 8 is flawed in that it fails to provide a factual indication of a motivation or impetus to one of skill in the art to look to Knopp '832 to modify Knopp '522. The same inventor is involved; if it were so desirable, Knopp in the '522 patent could have used the information from the earlier Knopp '832 patent, but did not.

### Conclusion

Claims 1 to 3, 5, 8, 9 and 13 to 18 are thus patentable over the art applied to the previous claims, while claims 4, 6, 7, and 10 to 12 are hereby cancelled.

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Respectfully submitted,

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